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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

EPIC GAMES, INC.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

CASE NO. 20-CV-05640-YGR

**APPLE INC.'S STATEMENT OF RECENT  
DECISIONS**

The Honorable Yvonne Gonzalez Rogers

Pursuant to Civil Local Rule 7-3(d)(2), Apple Inc. hereby submits for the Court's consideration decisions in three cases that were entered after the conclusion of the trial in this case and the parties' final submissions of their proposed findings of fact and conclusions of law:

*Blix Inc. v. Apple, Inc.*, No. 19-CV-1869, 2021 WL 2895654 (D. Del. July 9, 2021). Dismissing a private plaintiff's antitrust claims against Apple, the district court addressed monopoly maintenance claims relating to alleged middleware and the requirements for a tying claim in the context of the App Store.

*Federal Trade Commission v. Facebook, Inc.*, — F. Supp. 3d —, 2021 WL 2643627 (D.D.C. June 28, 2021); *New York v. Facebook, Inc.*, — F. Supp. 3d —, 2021 WL 2643724 (D.D.C. June 28, 2021). Dismissing antitrust claims brought by the FTC and a number of States, the district court addressed (among other things) the legal framework for refusal-to-deal (including so-called "conditional dealing") claims, laches, and the relationship between restrictions on interoperability and allegations of monopoly maintenance.

*1-800 Contacts, Inc. v. Federal Trade Comm'n*, — F.4th —, 2021 WL 2385274 (2d Cir. June 11, 2021). Granting a petition for review and dismissing an FTC antitrust administrative ruling, the Second Circuit addressed (among other things) how the rule of reason should be applied with respect to agreements relating to the use of intellectual property.

True and correct copies of the decisions are attached hereto as Exhibits 1–4.

DATED: July 16, 2021

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Mark A. Perry  
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*Attorney for Defendant Apple Inc.*